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Question of Palestine

The situation in the Middle East

Security Council
Fifty-sixth year

Report of the Secretary-General*

I. Introduction

1. The present report is submitted in pursuance of General Assembly resolution 55/55 of 1 December 2000 on the peaceful settlement of the question of Palestine.

2. On 19 July 2001, the Secretary-General, pursuant to the request contained in paragraph 9 of the above-mentioned resolution, addressed the following letter to the President of the Security Council:

> "I have the honour to refer to resolution 55/55, which the General Assembly adopted on 1 December 2000, at its fifty-fifth session, under the agenda item entitled 'Question of Palestine'.
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> "In paragraph 9 of the resolution, the General Assembly '*request*[ed] the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, for the promotion of peace in the region and to submit progress reports on developments in this matter'.
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> "In order to fulfil my reporting responsibilities under this resolution, I should be grateful if you kindly convey to me the views of the Security Council by 28 September 2001."

3. On 28 September 2001, the following reply was received from the Security Council:

> "The members of the Security Council are following with grave concern the tragic deterioration of the situation in the Middle East. They strongly condemn all acts of terrorism and violence and urge the parties to apprehend and punish the perpetrators. They call for the immediate cessation of violence and for the resumption of political dialogue towards the aim of achieving a just, lasting and comprehensive settlement between the Israeli and Palestinian sides. They urge all parties to fully respect the commitments they have assumed under existing agreements. They urge all parties to scrupulously abide by their legal obligations and responsibilities under international law, in particular humanitarian law.
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> "In resolution 1322 (2000), adopted on 7 October 2000, the members of the Security Council expressed their deep concern at the tragic events that had led to numerous deaths and injuries, mostly among Palestinians. They reaffirmed that a just and lasting solution to the Arab and Israeli conflict must be based on Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, through an active negotiating process. They called for the immediate resumption of negotiations within the Middle East peace process on its agreed basis with the aim of achieving an early

* The present report has been submitted after the established deadline in order to include as much updated information as possible.

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final settlement between Israeli and Palestinian sides and urged the two sides to cooperate in those efforts. They reaffirmed the need for full respect by all of all of the Holy Places and condemned any behaviour to the contrary. They called for the immediate cessation of violence, and for all necessary steps to be taken to ensure that violence ceased and that new provocative actions were avoided.

"They also welcomed the publication of the Mitchell Committee report in May 2001. They fully supported all its recommendations and called upon the parties immediately to begin the steps required to implement the recommendations, including those on confidence-building measures. Many also expressed their belief that a third-party monitoring, accepted by both parties, would serve their interest in implementing the report.

"The members of the Security Council are more than ever determined to follow the ongoing efforts towards a just, lasting and comprehensive final settlement between the Israeli and Palestinian sides and to provide it with the necessary support. In that connection, they express their full backing to all efforts, in particular the work of the Secretary-General and his special envoy in the region, to bring violence to an end, resume political dialogue, rebuild confidence and advance the prospects for a just and lasting peace. In this respect, they declare their full support for the recent contacts between the parties at a high level."

4. In notes verbales dated 18 and 24 July 2001 to the parties concerned, the Secretary-General sought the positions of the Governments of Egypt, Israel, Jordan, Lebanon and the Syrian Arab Republic, as well as the Palestine Liberation Organization, regarding any steps taken by them to implement the relevant provisions of the resolution. As at 15 November 2001, the following replies had been received:

Note verbale dated 26 September 2001 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

"As the Secretary-General is aware, Israel voted against this resolution, as well as against similar resolutions adopted by the General Assembly in previous sessions. In the light of the urgent need to bring an end to all acts of violence and terrorism in the region and to return to the agreed negotiating process, Israel wishes to put on record, once again, its position on this matter.

"Israel views the aforementioned General Assembly resolution not only as being unbalanced, but also as an undue interference in matters which the parties have agreed to resolve within the context of direct bilateral negotiations.

"The current violence in the region is a result of a Palestinian decision to abandon peace negotiations and pursue their goals through violence and terrorism. The one-sided approach reflected in the resolution, which seeks to dictate the outcome of the negotiating process, effectively rewards violence at a time when the Palestinian side should be compelled to renounce all acts of violence and terrorism and return to the path of peaceful dialogue."

Note verbale dated 17 October 2001 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

"General Assembly resolution 55/55 is the main political resolution regarding the question of Palestine, and it was adopted during the fifty-fifth session by an overwhelming majority (149-2-3), reflecting the firm convictions of the international community with regard to the content and meaning of the resolution. The Assembly has adopted a similar text in recent years also by overwhelming majorities, conveying a long-established position by the international community on the issue. This resolution recalls several principles of international law and of the Charter of the United Nations, provides support for the peace process and for implementation of the agreements reached and also sets forth the basis for the just settlement of the question of Palestine, which is indeed the crux of the Arab-Israeli conflict. The resolution emphasizes as well the importance of a more active and expanded role for the United Nations in this process. In sum, the resolution should serve as an acceptable basis for all parties to address and resolve these important issues.

"In addition to the reaffirmation of principles regarding the question, resolution 55/55 addresses the deterioration of the situation

on the ground in the Occupied Palestinian Territory, including Jerusalem, and the difficulties facing the Middle East peace process. In the resolution, the General Assembly expresses its deep concern over the tragic events in Occupied East Jerusalem and the Occupied Palestinian Territory since 28 September 2000. Moreover, it calls upon the concerned parties, the co-sponsors of the peace process and other interested parties, as well as the entire international community, to exert all the necessary efforts and initiatives to immediately reverse all measures taken on the ground since 28 September 2000, in implementation of the Sharm el-Sheikh understandings and to ensure a successful and speedy conclusion of the peace process. However, the situation on the ground has continued to deteriorate due to the refusal of the Israeli side to implement the understandings and its failure to adhere to prior agreements reached between the two sides and to implement overdue positions in this regard.

"The dramatic decline of the situation on the ground over the past year has been characterized by an excessive and indiscriminate use of force by the Israeli occupying forces against Palestinian civilians, including children. The bloody military campaign waged by the occupying Power has resulted in the killing of more than 680 Palestinians as of the date of this note. Many of these killings have been wilful killings and targeted assassinations. Further, more than 25,000 Palestinians have been injured, many severely and permanently disabled. The Israeli occupying forces have also caused extensive destruction to Palestinian land, homes and infrastructure. In addition, Israel, the occupying Power, has imposed severe restrictions on the movement of persons and goods into and out of the Occupied Palestinian Territory, causing vast destruction to the already fragile Palestinian economy. The actions taken by the occupying Power in the course of its bloody military campaign constitute grave breaches of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 1949, and thus qualify as war crimes. Further, the occupying Power has also committed actions of State terrorism and other serious violations of international law.

"The actions and measures taken by Israel, the occupying Power, have also violated relevant resolutions of the United Nations, including of the Security Council. In its resolution 1322 (2000) of 7 October 2000, the Council deplored the provocation carried out at Al-Haram Al-Sharif in Jerusalem on 28 September 2000 and the subsequent violence throughout the territories occupied by Israel since 1967, which resulted in many Palestinian deaths and injuries. It also condemned acts of violence, especially the excessive use of force against Palestinians, and called for the immediate cessation of violence and for the establishment of a mechanism for a speedy and objective inquiry into the tragic events with the aim of preventing their repetition. The Council also invited the Secretary-General to continue to follow the situation and keep it informed.

"Israel, the occupying Power, did not comply with any of the provisions of the resolution. Rather it escalated its military campaign against the Palestinian people and continued with its military blockade, siege and even shelling of Palestinian towns and cities using tanks, helicopter gunships and fighter jets. In the light of this escalation and due to the inability of the Security Council to take action to bring an end to the escalation of this dangerous situation, the tenth emergency special session of the General Assembly resumed to consider the situation. The Assembly adopted resolution ES-10/7 on 20 October 2000, in which, inter alia, it stressed the urgent need for providing protection for the Palestinian civilians in the Occupied Palestinian Territory, condemned acts of violence, especially the excessive use of force by the Israeli forces against Palestinian civilians, called for the reversal of all measures taken since 28 September 2000, and called for the prevention of acts of violence by Israeli settlers. The Assembly also supported the establishment of a mechanism of inquiry into the events, as well as the efforts of the Secretary-General, including his efforts for the establishment of a commission of inquiry.

"The Fact-Finding Committee established was formed by the United States of America, in consultation with the two sides as well as the Secretary-General, in accordance with the understanding reached at the Summit of Sharm

el-Sheikh. The Committee was established to determine what had happened since 28 September 2000 and how to avoid it from recurring in the future. The Sharm el-Sheikh Fact-Finding Committee presented its report, which came to be known as the Mitchell report, to the President of the United States on 30 April 2001. The report was also shared with the Secretary-General and the Palestinian and Israeli sides.

"The Israeli Government never wholeheartedly endorsed or accepted the recommendations contained in the report of the Fact-Finding Committee, especially that which called for a cessation of all Israeli settlement activity. In fact, Israel resisted any efforts by all parties that aimed at the full and speedy implementation of the recommendations. The Palestinian side, on the other hand, endorsed the Mitchell report and even proposed a high-level meeting for the participants of the Sharm el-Sheikh Summit to consider the Fact-Finding Committee's report and the implementation of its recommendations. The Palestinian side considers the report to be an important platform for guiding the necessary actions for ending the tragic situation and reviving the Middle East peace process.

"Palestine expresses its appreciation for the important role played by the Secretary-General in this regard. Palestine welcomed his participation in the Sharm el-Sheikh Summit of 17 October 2000, as well as the efforts he exerted during his visit to the region. The Secretary-General's participation, on behalf of the United Nations, has been essential for reaffirming the important role of the Organization in the efforts to end the deterioration of the situation on the ground and to resume the peace process negotiations towards a final settlement. Unlike the constructive role undertaken by the Secretary-General, the Security Council unfortunately failed to follow up resolution 1322 (2000), especially with regard to the establishment of an observer force to bring calm to the situation on the ground and prevent its further deterioration.

"As noted, the past year since the adoption of resolution 55/55 has witnessed the severe deterioration of the situation on the ground in the Occupied Palestinian Territory, including Jerusalem, which has seriously damaged the peace process and threatened the stability of the region as a whole. Recently, however, several important players on the international level have been sending encouraging signals, creating an almost unanimous position in support of the Palestinian State and intensifying the efforts to revive the peace process and bring it to a successful conclusion. What are needed now are not only serious efforts to implement the Mitchell report's recommendations, but also a new dynamism to ensure the achievement of a final settlement in a speedy manner. The United Nations could and should be of great assistance in this regard.

"In this connection, it should be reaffirmed that the many principles and components of the important resolution entitled 'Peaceful settlement of the question of Palestine', including principles of international law and the Charter of the United Nations, remain valid and essential in the search for a just and lasting solution to the decades-long question of Palestine. Respect for and adherence to such principles will ensure the success of the parties in arriving at a peaceful settlement of the question of Palestine."

II. Observations

5. It is a matter of grave concern that the present Israeli-Palestinian crisis has entered its second year with an escalation of violence, while the peace process remains stalled despite many international efforts to revive it. Tensions have increased constantly in the past year, which has been marked by a vicious cycle of violence and retaliation. In fact, we are dealing with the worst crisis in the Middle East since the 1993 Oslo Agreement.

6. In view of the seriousness of the situation, I have devoted a great deal of personal attention to this issue. I have maintained close and regular contacts with the parties and other leaders in the region and the international community to find a way forward. In my previous report on the question of Palestine (A/55/639-S/2000/1113), I informed the members of the General Assembly and the Security Council of the Summit meeting in Sharm el-Sheikh, Egypt, which was jointly chaired by Presidents Mubarak and Clinton on 16 and 17 October 2000.

7. Since the outbreak of the current Palestinian intifada at the end of September 2000, over 900 people

have been killed and many thousands have been injured, the vast majority of them Palestinians. I have repeatedly expressed concern that Israel's response to the violence has included a disproportionate use of military force and incursions into the areas under full Palestinian authority. I have condemned the practice of so-called "targeted assassinations" and attacks on civilians by settler groups. I have also strongly condemned acts of violence or terror from whatever quarter, especially indiscriminate suicide bombing attacks against Israelis by Palestinian groups, and called upon the Palestinian Authority to make a maximum effort to control violence. These tragic developments have greatly increased mutual distrust, hardened the positions of the two sides and strengthened extremist elements.

8. Since the beginning of the intifada, the level of poverty, misery and suffering among the Palestinians has increased dramatically. I have repeatedly called upon Israel to end the closures and economic blockade.

9. Over the past year, the situation in the Middle East, including the Palestinian question, has been the subject of extensive consultations and debates in the Security Council. Members of the Council held private meetings with Yasser Arafat, Chairman of the Executive Committee of the Palestine Liberation Organization and President of the Palestinian Authority, on 10 November 2000, with the Ministerial Committee of the Organization of the Islamic Conference on 27 November 2000 and with Shimon Peres, Deputy Prime Minister and Minister for Foreign Affairs of Israel on 14 March 2001. On 7 October 2000, the Security Council adopted resolution 1322 (2000).

10. On 20 December 2000, on the basis of the Camp David understandings and subsequent talks, President Clinton presented to the parties a plan outlining a set of proposals ("parameters") for a final-status agreement. Both sides accepted those parameters with reservations. The plan was presented to the Israeli and Palestinian delegations at the resumed talks held in Washington from 19 to 23 December. In a further effort to reach an agreement before the prime ministerial elections in Israel, senior Israeli and Palestinian negotiators held talks in Taba, Egypt, from 21 to 27 January 2001. In a joint statement, the two sides declared that they had never been closer to reaching an agreement. Substantial progress was achieved in each of the issues discussed: refugees, security, borders and Jerusalem. However, given the circumstances and time constraints, it proved impossible to reach a final understanding on all issues.

11. As the parties remained deadlocked, further international efforts were made to revive the political process leading to a solution. In March, a serious discussion was generated by a joint Egyptian-Jordanian non-paper proposing steps to end the current crisis and to restart negotiations. It should be recalled in this connection that, prior to the submission of the paper, new circumstances had evolved, including the establishment of a national unity Government in Israel, headed by Prime Minister Ariel Sharon. The new Israeli Government declared that it would honour previous diplomatic agreements approved by the Knesset, but it would not conduct negotiations while the violence continued.

12. On 27 and 28 March 2001, I took part in the Summit of the League of Arab States in Amman. The crisis in the Middle East was a major topic of my discussions with heads of State and Foreign Ministers at the meeting. In my statement to the Summit I stressed that the international community and the Arab world had the right to criticize Israel for its continued occupation of Palestinian and Syrian territory, and for its excessively harsh response to the intifada. But I argued that those points could be made more effectively if many Israelis did not believe that their existence was under threat: Israel had a right, enshrined in numerous United Nations resolutions, to exist in safety within internationally recognized borders. I emphasized that what was needed was movement towards an agreement that responded both to the legitimate desire of the Palestinians for national independence, and to the legitimate claims of the Israelis to recognition and security.

13. The report of the Sharm el-Sheikh Fact-Finding Committee, known as the Mitchell report, which was released at the end of April, provided a viable basis for a return to the negotiating table, and I fully endorsed its recommendations. The Committee recommended a number of steps to end the violence by implementing an unconditional ceasefire and resuming security cooperation, rebuilding confidence by establishing a meaningful "cooling-off period" and implementing additional confidence-building measures, including a freeze by Israel of all settlement activity, to be followed by the resumption of negotiations. The report was accepted by both parties and widely acknowledged at the international level as a good basis to break the impasse. As a follow-up to the report, the parties reached agreement upon a ceasefire on 13 June 2001,

which was brokered by director of central intelligence George Tenet. I visited the region from 12 to 18 June 2001 to encourage the parties to consolidate the ceasefire and move towards full implementation of the Mitchell report.

14. It was encouraging that Foreign Minister Shimon Peres and President Yasser Arafat met on 26 September 2001 and agreed to resume full security cooperation and to exert maximum efforts to sustain the ceasefire. The meeting was made possible due in no small measure to painstaking international efforts, in particular involving the United States, the Russian Federation, the European Union and the United Nations, with the full support of Jordan and Egypt. The level of violent incidents declined and Israel took several positive steps, including the lifting of some internal closures. There were also significant statements by Member States, including the United States, envisioning the creation of a Palestinian State provided that Israel's right to exist was respected, which offered a new and important stimulus in the search for a lasting political solution.

15. Unfortunately, this progress was sharply disrupted when Israeli cabinet minister Rehavam Zeevi was assassinated on 17 October 2001 by gunmen belonging to the Popular Front for the Liberation of Palestine. I strongly condemned this terrorist act and called upon all parties to exercise maximum restraint. Following the assassination, Israeli forces launched a major incursion into Palestinian-controlled areas. The United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority worked very closely with the representatives of the United States, the Russian Federation, the European Union and other countries in the region to de-escalate this dangerous situation. In this regard, the "Quartet" issued a joint statement on 25 October 2001, which was strongly supported in a statement to the press, also on 25 October 2001, by the President of the Security Council. It has also been supported by several Member States in their discussions with the parties.

16. On 11 November 2001, I met in New York with Secretary of State Colin Powell of the United States, Foreign Minister Igor Ivanov of the Russian Federation and the High Representative for Common Foreign and Security Policy of the European Union, Javier Solana. The "Quartet" welcomed President George Bush's statement to the General Assembly on the Middle East of 10 November 2001, in which he pledged to work towards the day when two States, Israel and Palestine, would live peacefully together within secure and recognized borders, as called for by Security Council resolutions. The "Quartet" encouraged their representatives in the field to continue working together to help the Israelis and the Palestinians find a way to resolve the current crisis in their relations.

17. The Ministers for Foreign Affairs of the five permanent members of the Security Council met with me on 12 November 2001 and issued a statement (see A/56/613-S/2001/1066, annex) strongly encouraging Israelis and Palestinians to take the necessary security, economic and political steps to move from confrontation to the resumption of a political process. The Ministers reiterated their condemnation of acts of terror and violence and their conviction that the only solution to the Israeli-Palestinian problem is through dialogue and negotiations. They called upon Israel to withdraw from all areas into which it had made incursions and to ensure greater restraint by the Israeli Defence Forces. They also called upon the Palestinian Authority to take all possible steps to put an end to violence. In that regard, they urged the parties to implement the Tenet plan and the recommendations of the Mitchell report, which the parties had accepted, as quickly as possible. The Ministers called upon the parties to create an environment in which the negotiations based upon Security Council resolutions 242 (1967) and 338 (1973) and the Madrid principles could resume.

18. I continue to believe that only a package solution based on the Mitchell report, including security and economic aspects but also a political component, can halt the cycle of violence, restore calm and create the right atmosphere for the resumption of sustainable peace talks. There is no alternative to a return to the negotiating table and to a peaceful settlement. However, the mutual distrust between the parties has reached such a level that without constant third-party involvement and encouragement they may not be able to break out of the current impasse. Therefore, at this critical juncture it is imperative to accelerate joint efforts with a view to generating new momentum towards a peaceful solution of the ongoing crisis.

19. The confrontation has had a devastating impact on the humanitarian and economic situation in the occupied Palestinian territory. Severe closures and

blockades have resulted in large-scale losses to the Palestinian economy, wiping out more than three years of growth and increasing dramatically the level of unemployment and poverty. The fiscal situation of the Palestinian Authority remains fragile. The drop in domestic tax revenue and the continued withholding of Palestinian tax revenues by Israeli authorities has led to a significant budget deficit in 2001. Generous support from the Arab States, as well as the European Union and Norway, have eased the crisis this year. However, new efforts will be urgently needed. Therefore, a well-coordinated and concerted international relief and assistance effort is essential to address the most pressing needs and gradually improve living conditions. Urgent measures are also needed to remove the restrictions placed on the movement of staff and goods related to the delivery of humanitarian assistance. The United Nations remains at the forefront of efforts to alleviate the severe social and economic hardships of the Palestinian people. The Office of the United Nations Special Coordinator, as well as the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the United Nations Development Programme (UNDP) and many other bodies continue their work in the region, adjusting the focus of their activities as required by the current humanitarian emergency. I should like to use this occasion to call once again upon the international donor community to provide adequate funding to UNRWA so that it can continue to deliver the necessary services to the Palestinian refugees. Donor assistance is especially vital at a time when the humanitarian situation is so critical.

20. As the General Assembly has underscored on many occasions, achieving a final and peaceful settlement of the question of Palestine, the core issue of the Arab-Israeli conflict, is imperative for the attainment of a comprehensive and lasting peace in the Middle East. I hope that there will also be movement on the Syrian and Lebanese tracks so that peace, security and stability may be achieved for all peoples in the region on the basis of Security Council resolutions 242 (1967) and 338 (1973).

21. For its part, the United Nations will continue to support the resumption of the peace process and to respond in a coherent and integrated way to the economic, social, humanitarian and other needs of the population in the West Bank and Gaza. I call upon the international community to provide the necessary resources in support of the United Nations programmes to address the deteriorating economic and humanitarian situation of the Palestinian people.

22. I should like to pay special tribute to Terje Roed-Larsen, United Nations Special Coordinator and my Personal Representative, and to the staff of the Office of the Special Coordinator, as well as to the staff of UNRWA and other United Nations agencies, all of whom have rendered sterling service while working under increasingly demanding and difficult circumstances.